



## **UST and SAF Bulletin**

**Arizona Department of Environmental Quality**

**Subject: Suggestions for New Underground Storage Tank (UST) Owners and Operators**

**Effective: Mar 24, 2004**

**Item: 04-09**

### **TYPE**

Outreach to New UST Owners and Operators

**Subject:** Suggestions for New Underground Storage Tank (UST) Owners and Operators

### **BACKGROUND**

- Arizona Revised Statutes, Chapter 6
- Arizona Administrative Code - Title 18, Chapter 12

New owners and operators frequently contact the UST Outreach Unit with questions regarding UST program requirements. This bulletin contains a compilation of regulatory issues and references that may be considered if someone is thinking of purchasing an UST facility.

### **CONTENT**

Please see attached guidance

### **CONTACT:**

Al Johnson, [Johnson.allen@azdeq.gov](mailto:Johnson.allen@azdeq.gov)  
602-771-4268

## **Suggestions for New Underground Storage Tank (UST) Owners and Operators** (THINKING OF PURCHASING OR SELLING AN UNDERGROUND STORAGE TANK (UST) FACILITY?)

If you are thinking of purchasing, selling, or operating an active UST facility, you should be aware of the following regulatory considerations:

1. You may want to assess the possibility that a release of product has, or is, occurring.
2. You may want to become familiar with UST laws and guidance to understand your liabilities and responsibilities for the UST.
3. You may want to become familiar with UST release detection methods and equipment.
4. You may want to determine if the facility has any outstanding compliance issues with ADEQ.
5. If you have bought a UST facility, you may need to notify ADEQ of ownership change and contact ADEQ for information on fees, taxes and financial responsibility. These are ADEQ requirements.
6. Please contact ADEQ if you have any questions or concerns.

More detail on these considerations is provided below:

**Note:** If you have bought a UST facility, you need to notify ADEQ within 30 days of the ownership change and obtain information on fees and taxes and financial responsibility. Complete and submit a *Notification for Underground Storage Tank Form*, available on ADEQ website at <http://www.azdeq.gov/environ/ust/download/notif.doc> or request a hard copy of the form by calling (602) 771-4345.

Once you have submitted the *Notification for Underground Storage Tank Form*, contact ADEQ at (602) 771-48-50 about UST fees and taxes. For information about financial responsibility call (602) 771-214

### **1. Assess the possibility that a release of product has occurred or is occurring**

It may be beneficial for both the seller and prospective purchaser to know whether a release has occurred or is occurring. According to the UST regulations, the UST owner at the time(s) of release has the responsibility and liability for the release. An UST owner is defined in statute (See #2 below).

For the purpose of a property transaction, ADEQ does not have a regulatory requirement for either the buyer or seller to assess whether a release has occurred

or is occurring. However, when conducting a property transaction, many prospective purchasers and sellers are concerned about environmental liability. Not only may the purchaser and seller want to know that information, but a lender or an insurance company may also be interested. Consequently, the buyer or seller may opt to perform a site assessment to determine if there is contamination from the UST(s). Involved parties may contract with an environmental consultant to conduct this Phase II environmental site assessment (ESA).

A Phase II ESA for USTs usually consists of drilling and sampling the soils underlying the various components of the UST system such as the tanks, piping and dispensers. Occasionally, a groundwater monitor well will be installed to determine if a UST release has affected groundwater. If the Phase II ESA or other information indicates that there is a release of product from the UST(s), the owner must report the release to ADEQ within 24 hours of discovery. More information about ADEQ's site assessment and site check requirements is contained in Arizona Administrative Code (A.A.C.) R18-12-272 of the UST Technical Standard rules, and can be found at: [http://www.azsos.gov/public\\_services/Title\\_18/18-12.htm](http://www.azsos.gov/public_services/Title_18/18-12.htm).

A site assessment determines whether the system has had no release, a suspected release or a confirmed release. Assuming the assessment was performed correctly:

- No release means that the assessment failed to find evidence of UST-related contamination at the UST site or the surrounding area
- A suspected release means the discovery of UST-related contamination at the UST site or the surrounding area that cannot be directly linked to the UST.
- A confirmed release means the discovery of UST-related contamination at the UST site or the surrounding area that can be directly linked to the UST

## **2. Become familiar with UST laws and guidance to understand your liabilities and responsibilities for the UST.**

To become familiar with UST laws and guidance, please access the information found in the following links:

To view state statutes relating to UST Inspections and Compliance, and Financial Responsibility, and Corrective Actions, see Chapter 6 of Title 49 of the Arizona Revised Statutes (UST Statutes) A.R.S. 49-1001 through 1093: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=49>

To view state rules relating to UST Inspections and Compliance, Financial Responsibility, and Corrective Actions, see Chapter 12 of Title 18 of the Arizona Administrative Code (UST Program Rules)

[http://www.azsos.gov/public\\_services/Title\\_18/18-12.htm](http://www.azsos.gov/public_services/Title_18/18-12.htm)

To view federal rules relating to UST Inspections and Compliance, Financial Responsibility, and Corrective Actions, see the Code of Federal Regulations (C.F.R.) 40 CFR (link to

[http://www.access.gpo.gov/nara/cfr/waisidx\\_03/40cfr280\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/40cfr280_03.html))

**3. Become familiar with UST release detection methods and equipment.**

Contact Mr. Nurul Huq at (602) 771-4318 (toll free at (800) 234-5677, ext. 771-4318) for more information.

**4. Determine if the facility has any outstanding UST compliance issues with ADEQ.**

Contact ADEQ and ask if there are any outstanding regulatory compliance issues. It is helpful to have the UST Facility Identification number and, if a release has occurred, the Leaking Underground Storage Tank (LUST) number, as well. The ADEQ UST Program can be contacted by calling (602) 771-4255 (toll free (800) 234-5677, ext. 771-4255)

**CONTACTS FOR QUESTIONS ABOUT:**

**UST Notification Form and UST Closure –**

Nick Velasquez - (602) 771-4315 (toll free (800) 234-5677, ext.771-4315)

E-mail: [velasquez.nick@azdeq.gov](mailto:velasquez.nick@azdeq.gov)

Amy Aeed - (602) 771-4316 (toll free (800) 234-5677, ext.771-4316)

E-mail: [aeed.amy@azdeq.gov](mailto:aeed.amy@azdeq.gov)

**Assessing UST sites –**

Nusrath Khan - (602) 771-4339 (toll free (800) 234-5677, ext. 771-4339)

E-mail: [khan.nusrath@ev.state.az.us](mailto:khan.nusrath@ev.state.az.us)

**If contamination is found –** Nick Giuntoli- (602) 771-4289 (toll free (800) 234-5677, ext. 771-4289)

E-mail: [nmg@azdeq.gov](mailto:nmg@azdeq.gov)

**UST Taxes and Fees -** Dyanne Baratta - (602) 771-4291 (toll free (800) 234-5677, ext.771- 4291)

E-mail: [db3@azdeq.gov](mailto:db3@azdeq.gov)

**UST Taxes, Exemptions and Refunds –**Carol Williams- (602) 771-4850 (toll free (800) 234-5677, ext. 771-4850)

E-mail: [caw@azdeq.gov](mailto:caw@azdeq.gov)

**UST Release Detection Methods and Equipment**

Nurul Huq - (602) 771-4318 (toll free (800)

234-5677, ext. 771- 4318)

E-mail: [nh1@azdeq.gov](mailto:nh1@azdeq.gov)

**UST File Room** –Cathy Callahan – (602) 771-4384 (toll free (800) 234-5677, ext. 771-4384)

**If you want to review a UST or LUST file(s)** – (602) 771-4344 (toll free (800) 234-5677, ext. 771-4344)  
Fax: (602) 771-4346

**UST Inspections** - (602) 771-4255 (toll free (800) 234-5677, ext. 771-4255)

**UST Release Investigation and Cleanup** - (602) 771-4303 (toll free (800) 234-5677, ext. 771-4303)

**OTHER LINKS:**

Arizona Department of Weights and Measures for vapor recovery and fuel dispenser issues.

<http://www.weights.az.gov/>

Office of the Arizona State Fire Marshal for fire code or above ground tank issues

<http://www.dbfs.state.az.us/index.html>

***For more information, ADEQ recommends that you visit our website at***  
***<http://www.azdeq.gov/environ/ust/index.html>***